

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TESSERA, INC.,

Plaintiff,

v.

MOTOROLA, INC.; QUALCOMM, INC.;
FREESCALE SEMICONDUCTOR, INC.;
ATI TECHNOLOGIES, INC.; and ATI
TECHNOLOGIES ULC,

Defendants.

No. C 12-692 CW

ORDER GRANTING
MOTIONS TO SEAL
(Docket No. 204
and 207)

Plaintiff Tessera, Inc. moves to seal its unredacted opposition, and Defendant Qualcomm, Inc. moves on behalf of itself, Freescale Semiconductor, Inc., Advanced Micro Devices, Inc., ATI Technologies ULC, Spansion, Inc., Spansion Technology, Inc., Spansion, LLC, STMicroelectronics, Inc., and STMicroelectronics N.V., to seal their unredacted reply brief. The parties represent that they seek to seal the portions of their briefs that refer to and quote the license agreement entered into by Tessera, Inc. and third-party Motorola, Inc. The Court previously granted the parties' request to file the license agreement under seal, as well as the portions of Defendants' opening brief for summary judgment that referred to and quoted the license agreement. Docket No. 199. The Court notes that the parties have already filed redacted versions of their briefs in the public record. See Docket Nos. 205 and 208.

The parties seek to seal records connected to a dispositive motion. To establish that the documents are sealable, the party

1 who has designated them as confidential "must overcome a strong
2 presumption of access by showing that 'compelling reasons
3 supported by specific factual findings . . . outweigh the general
4 history of access and the public policies favoring disclosure.'" Pintos v. Pac. Creditors Ass'n, 605 F.3d 665, 679 (9th Cir. 2010)
5 (citation omitted). Cf. id. at 678 (explaining that a less
6 stringent "good cause" standard is applied to sealed discovery
7 documents attached to non-dispositive motions). This cannot be
8 established simply by showing that the document is subject to a
9 protective order or by stating in general terms that the material
10 is considered to be confidential, but rather must be supported by
11 a sworn declaration demonstrating with particularity the need to
12 file each document under seal. Civil Local Rule 79-5(a).

14 Having reviewed the briefs and the parties' declarations in
15 support of their motions to seal, the Court concludes that they
16 have established that the references to the license agreement in
17 the memoranda are sealable. Accordingly, their motions to file
18 under seal are GRANTED (Docket No. 204 and 207). Within three
19 days of the date of this Order, the parties shall electronically
20 file under seal their unredacted briefs.

21 IT IS SO ORDERED.

23 Dated: 9/5/2012

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24 CLAUDIA WILKEN
25 United States District Judge
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